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DEC 08 2008

OFFICE OF PETITIONS

In re Application of :
Ehud GAL et al :
Application No. 10/586,632 : DECISION ON PETITION
Filed: July 19, 2006 :
Attorney Docket No. 1110/97849 :
:

This is a decision on the petition, filed May 15, 2008 under 37 CFR 1.137(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts mailed February 13, 2007, which set a two (2) month time period for reply. Accordingly, a reply was due on or before April 13, 2007.

Petitioner states that a timely and reply was mailed on March 13, 2007, which included the Response to Notice to File Missing Parts (Notice). A proper reply would include an Oath or Declaration in compliance with 37 CFR 1.497(a) and (b), and the Surcharge in the amount of \$65.00, as requested in the Notice. The Oath and Surcharge fee was not submitted.

The file record does not include the originally submitted papers for March 13, 2007. A review of the file history indicates that the Office did not receive any communication from the petitioner after March 13, 2007 that would be a response to the Notice.

Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 13, 2007 is proper.

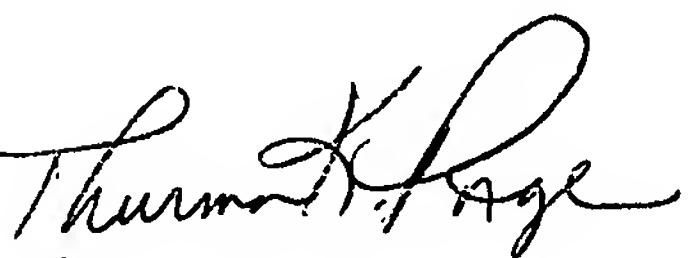
Further correspondence with respect to this matter should be addressed as follows:

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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries should be directed to Thurman K. Page at (571) 272-0602.



Thurman K. Page
Petitions Examiner
Office of Petitions